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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,619	11/29/2000	Pil Kyu Han	VZ-005	9521

32127 7590 03/19/2004

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EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 03/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/725,619	HAN, PIL KYU	
	Examiner	Art Unit	
	Arrienne M. Lezak	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/29/00</u> 6 | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent US 6,697,103 B1 to Fernandez.

3. Regarding Claim 1, Fernandez discloses a method of indicating the status of a Digital Subscriber (DSL) demonstration kiosk to a centrally located monitoring station, the method comprising:

- establishing a DSL demonstration kiosk at a location accessible for users to sample the services offered by a DSL connection, (Col. 15, lines 18-31);
- connecting the DSL demonstration kiosk to the centrally located monitoring station, said centrally located monitoring station comprising a server computer, (Col. 2, lines 22-48), and a ping utility, (Col. 15, lines 32-40 and Col. 17, lines 1-13);
- transmitting to the centrally located monitoring station an Internet Protocol (IP) address assigned to the DSL demonstration kiosk, (Col. 3, lines 43-54 and Col. 5, lines 22-35);

- periodically transmitting a first message to the centrally located monitoring station, the first message indicative of the status of the DSL demonstration kiosk, (Col. 15, lines 32-40; Col. 17, lines 1-13; Col. 18, lines 35-48; and Col. 19, lines 15-26).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claim 1.

4. Regarding Claims 2 and 3, Fernandez discloses a method wherein a ping signal is periodically received from the centrally located monitoring station, (per pending Claim 2), and a first message is transmitted in response to a ping signal received from the centrally located monitoring station, (per pending Claim 3), (Col. 15, lines 32-40; Col. 17, lines 1-13; Col. 18, lines 35-48; and Col. 19, lines 15-26). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 2 and 3.

5. Regarding Claim 4, Fernandez discloses the retransmitting of the DSL demonstration kiosk IP address upon reboot of a kiosk, (Col. 15, lines 32-40; Col. 17, lines 1-13; Col. 18, lines 35-48; and Col. 19, lines 15-26). Examiner notes the inclusion of a diagnosis and corrective-action tool as incorporated within Fernandez capable of ping testing. Such testing is used at any time, to detect and correct defective or unresponsive server sites, which are subsequently removed until the problem is resolved. Inherently, upon resolution of said problem, any ping test will cause a retransmission of the kiosk IP address. Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claim 4.

6. Regarding Claim 5, Fernandez discloses a method wherein the first message comprises recorded customer activity at the DSL demonstration kiosk, (Col. 14, lines 28-67; Col. 15, lines 1-40; Col. 16, lines 8-23; and Col. 18, lines 35-48). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claim 5.

7. Regarding Claim 6, Fernandez discloses a method of monitoring a DSL demonstration kiosk from a centrally located monitoring station, the method comprising the steps of:

- establishing a connection with the DSL demonstration kiosk, (please see Claim 1);
- periodically transmitting a ping signal to the DSL demonstration kiosk, (Col. 15, lines 33-40; Col. 17, lines 7-13; and Col. 19, lines 15-25);
- waiting to receive a first message at a predetermined time, said message indicative of whether the DSL demonstration kiosk is in service, (Col. 15, lines 32-40 and Col. 19, lines 15-25);
- if the first message is not received at the predetermined time, then recording the time at which the failure of the arrival of the first message is detected, (Col. 15, lines 32-40 and Col. 19, lines 15-25); and
- generating an alert message, (Col. 15, lines 41-43).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claim 6.

8. Regarding Claims 7-9, Fernandez discloses a method for transmitting a ping signal to a DSL demonstration kiosk comprising determining and transmitting to the kiosk IP address, (per pending Claim 7), (Col. 4, lines 50-54), wherein the IP address is determined by database look-up, (per pending Claim 8), or from a message received from the kiosk, (per pending Claim 9), (Col. 17, lines 3-13 and Col. 18, lines 35-48). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 7-9.

9. Regarding Claims 10-12, Fernandez discloses a method comprising the transmission of an alert message, (per pending Claim 10), (Col. 15, lines 33-44), to a pager, (per pending Claim 11), or a telephone number, (per pending Claim 12), (Col. 6, lines 59-67; Col. 7, lines 1-55; and Col. 20, lines 21-27). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 10-12.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent 5,935,207 to Logue;

US Patent 5,937,163 to Lee;

US Patent 6,078,848 to Bernstein; and

US Patent 5,602,905 to Mettke.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

AML


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